

**Federal Defenders
OF NEW YORK, INC.**

David E. Patton
Executive Director

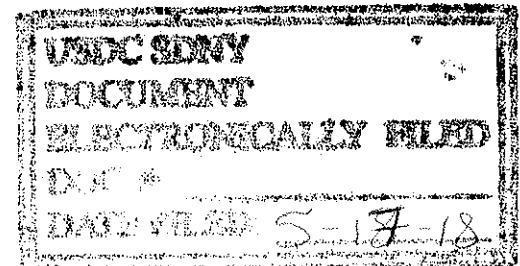
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Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

May 15, 2018¹

Via ECF AND FAX

The Honorable Loretta A. Preska
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



**Re: Early Termination of Supervision,
United States v. Akil Nesbitt, 10 Cr. 1180 (RPP)**

Hon. Judge Preska:

I write to request the early termination of Mr. Nesbitt's term of supervised release. Mr. Nesbitt began his three-year term of supervised release in November 2015 and has been fully compliant. Neither Probation nor the Government has any objection to this request.

I submit this request to Your Honor as the last Judge involved in Mr. Nesbitt's case. He was sentenced by The Honorable Robert P. Patterson in 2011. After serving the jail portion of his sentence, he was released and began residing with family in a South Carolina suburb of Charlotte, North Carolina, a move that was anticipated at the time of his sentencing. Indeed, Judge Patterson had requested that the BOP house Mr. Nesbitt as close as possible to Charlotte so he could be near family. Shortly after his November 2015 release, the Southern District of New York Probation Department requested that Mr. Nesbitt's supervision be transferred to the District of South Carolina. Because Judge Patterson sadly had passed away, Your Honor considered the transfer request and granted it on January 11, 2016. The order granting the transfer was docketed on January 13, 2016. Unfortunately, it does not appear that the case ever was transferred to the District of South Carolina. The S.D.N.Y. docket does not reflect that "transfer out supervised release documents" were sent to South Carolina and the District of South Carolina has no record of the case being received there.² The case has no District of South Carolina docket number and no judge there issued an order accepting jurisdiction. In consequence, jurisdiction over Mr. Nesbitt's supervised release remains in the S.D.N.Y.

Although jurisdiction has remained in the S.D.N.Y., Mr. Nesbitt has been

¹ This letter replaces the letter filed yesterday and has been updated to reflect that the Government does not object to this request.

² The case of Mr. Nesbitt's co-defendant was transferred to the District of Oregon in 2017. The Honorable Deborah A. Batts approved that transfer on February 8, 2017 and The Honorable Marco A. Hernandez (D. Or.) issued an order accepting jurisdiction on March 31, 2017. The S.D.N.Y. docket reflects that the "transfer out supervised release documents" were sent to the District of Oregon and the District of Oregon docket reflects their receipt.

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The Honorable Loretta A. Preska
United States District Judge

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supervised since his release by the probation office in the District of South Carolina. Mr. Nesbitt resides with his mother in South Carolina. He has completed the 100 hours of community service that Judge Patterson included in his sentence. P.O. Mark Childress, who supervised Mr. Nesbitt for most of his term, has retired and passed along Mr. Nesbitt's case to Supervisory U.S. Probation Officer Todd Salley. I have spoken with Officer Salley and his informs me that Mr. Nesbitt has been fully compliant with the terms of his supervision and that his office has no objection to Mr. Nesbitt's request for early termination. I also have spoken with S.D.N.Y Deputy Chief Probation Officer Kyle Crayton and he informs me that his office also has no objection to the early termination of Mr. Nesbitt's supervision. Finally, the Government has no objection to this request.

The Court has the authority pursuant to 18 U.S.C. 3583(e)(1) to terminate supervised release early and the defense respectfully submits that, given Mr. Nesbitt's exemplary conduct while on supervision, this is an appropriate case for the exercise of the Court's discretion. Mr. Nesbitt's punishment has already met the goals set forth under 18 U.S.C. 3553(a). Moreover, Mr. Nesbitt's conduct during the 30 months he has already served on supervised release demonstrates that he is neither a threat to the community nor at risk of reoffending.

In light of Mr. Nesbitt's noteworthy conduct, I respectfully seek early termination of his supervised release.

Respectfully submitted,

/s/

Peggy Cross-Goldenberg
Assistant Federal Defender
212-417-8732

cc: Gina Castellano, Assistant United States Attorney (via email)
Jordan Estes, Assistant United States Attorney (via email)
Kyle Crayton, Deputy Chief United States Probation Officer (via email)
Todd Salley, Supervisory United States Probation Officer (via email)

Mr. Nesbitt's supervised release is terminated
effective immediately.
The Clerk of the Court shall mark this action
closed and all pending motions denied as moot
so ordered
Loretta Preska
May 17, 2018